

**ACTION:** Proposed Rule.

**SUMMARY:** The EPA is taking direct final action to approve the operating permit program submitted by the State of North Dakota. North Dakota's program was submitted for the purpose of meeting the Federal Clean Air Act directive that states develop, and submit to EPA, programs for issuing operating permits to all major stationary sources and to certain other sources within the states' jurisdiction. In the "Rules and Regulations" section of this **Federal Register**, the EPA is promulgating full approval of the North Dakota program as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If no adverse comments are received in response to that rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action must do so at this time.

**DATES:** Comments must be received in writing on or before July 19, 1999.

**ADDRESSES:** Written comments may be mailed to: Richard R. Long, Director, Air and Radiation Program, Mailcode 8P-AR, Environmental Protection Agency (EPA), Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202. Copies of the documents relevant to this action are available for public inspection during normal business at the above address. Copies of the State documents relevant to this action are available for public inspection at the North Dakota Department of Health, Division of Environmental Engineering, 1200 Missouri Avenue, Bismarck, ND 58504-5264.

**FOR FURTHER INFORMATION CONTACT:** Patricia Reisbeck, EPA, Region VIII, (303) 312-6435.

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final rule of the same title which is located in the Rules section of this **Federal Register**.

**Authority:** 42 U.S.C. 7401, *et seq.*

Dated: June 2, 1999.

**Carol Rushin,**

Acting Regional Administrator,  
Region VIII.

[FR Doc. 99-15270 Filed 6-16-99; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 300**

[FRL-6359-7]

**National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete the Davis Gloucester-Smithfield Regional (GSR) Landfill site from the National Priorities List; request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA) Region I announces its intent to delete the Davis GSR Landfill site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Rhode Island have determined that the Site poses no significant threat to public health or the environment and, therefore, no further remedial measures pursuant to CERCLA are appropriate.

**DATES:** Comments concerning this site may be submitted on or before July 19, 1999.

**ADDRESSES:** Comments may be mailed to: Anna Krasko, Remedial Project Manager, U.S. EPA Region I, 1 Congress Street, Suite 1100 (HBO), Boston, MA 02114-2023.

Comprehensive information on this Site is available through the public docket which is located at EPA's Region I Records Center and is available for viewing by appointment only at 90 Canal Street, 1st Floor, Boston, MA 02114, (617) 918-1440.

A copy of the public docket is also available for viewing at the Davis GSR Landfill site information repository at: E. Smithfield Public Library, 50 Esmond Street, N. Smithfield, RI (401) 231-5150.

**FOR FURTHER INFORMATION CONTACT:** Anna Krasko, Remedial Project Manager, U.S. EPA Region I, 1 Congress Street, Suite 1100 (HBO), Boston, MA 02114-2023, (617) 918-1232 or Matthew DeStefano, Project Manager, Rhode Island Department of Environmental Management, 235 Promenade Street, Providence, RI 02908-5767, (401) 222-2797.

**SUPPLEMENTARY INFORMATION:**

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- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis of Intended Site Deletion

**I. Introduction**

The Environmental Protection Agency (EPA) Region I announces its intent to delete the Davis GSR Landfill site, N. Smithfield, RI, from the National Priorities List (NPL), appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, and requests comments on this deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of these sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to 40 CFR 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action. Whenever there is a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the Hazard Ranking System (HRS).

The EPA will accept comments on the proposal to delete this Site for thirty (30) days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Davis GSR Landfill site and explains how the Site meets the deletion criteria.

**II. NPL Deletion Criteria**

The NCP establishes criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e)(1), sites may be deleted from, or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria has been met:

- (i) Responsible parties or other persons have implemented all appropriate response actions required;
- (ii) All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or
- (iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Prior to deciding to delete a site from the NPL, EPA must determine that the remedy, or existing site conditions at sites where no action is required, is protective of public health, welfare, and the environment. In the case of this Site, the baseline risk assessment concluded that conditions at the Site pose no unacceptable risk to human health and the environment. Consistent with the September 29, 1997 Record of Decision, EPA and the State will conduct residential well testing in the vicinity of the Site for a period of at least five years. If new information becomes available which indicates a need for further remedial action, EPA may initiate such actions. EPA may also support further response activities which could be initiated by the State in the interest of public health.

### III. Deletion Procedures

In the NPL rulemaking published on October 15, 1984 (49 FR 40320), the Agency solicited and received comments on whether the notice of comment procedures followed for adding sites to the NPL also should be used before sites are deleted. Comments also were received in response to the amendments to the NCP proposed on February 12, 1985 (50 FR 5862). Formal notice and comment procedures for deleting sites from the NPL were subsequently added as a part of the March 8, 1990 amendments to the NCP (55 FR 8666, 8846). Those procedures are set out in 40 CFR 300.425(e)(4) of the NCP. Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management.

Upon determination that at least one of the criteria described in 40 CFR 300.425(e)(1) has been met, EPA may formally begin deletion procedures. The following procedures were used for the intended deletion of this Site:

(1) EPA Region I issued a Record of Decision which documented that no further remedial action is necessary for the Davis GSR Landfill site and that no statutory five year review will be undertaken. The ROD also called for residential well monitoring for at least five years and the data evaluation by EPA and the State to determine possible need for further monitoring at the site beyond the initial five years;

(2) The State of Rhode Island has concurred with the Record of Decision and the proposed deletion decision;

(3) Concurrent with this National Notice of Intent to Delete, a local notice has been published in local newspapers and has been distributed to appropriate

Federal, State and local officials, and other interested parties; and

(4) The Region has made all relevant documents available for public review in the Regional Office and the local Site information repository.

This **Federal Register** document, and a concurrent notice in the local newspaper in the vicinity of the Site, announce the initiation of a 30-day public comment period and the availability of the Notice of Intent to Delete. The public is asked to comment on EPA's intention to delete the Site from the NPL; all critical documents needed to evaluate EPA's decision are included in the information repository and deletion docket.

Upon completion of the 30-day public comment period, EPA Region I will evaluate these comments before the final decision to delete. The Region will prepare a Responsiveness Summary, which will respond to each significant comment and any significant new data received during the public comment period. This response document will be made available to the public at the information repository. If EPA still determines that deletion from the NPL is appropriate after receiving public comments, a final notice of deletion will be published in the **Federal Register** and the final deletion package will be placed in the information repository.

### IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for deleting the Davis GSR Landfill site from the NPL.

#### A. Site Background and History

The 58-acre Site includes a 21-acre landfill located in a semi-rural area off Tarkiln Road in the Towns of Glocester and Smithfield, Rhode Island. This Site is not Davis Liquid Waste or Davis Tire Pile Site, which are also located in Smithfield, Rhode Island. The GSR Landfill was first licensed by the State to receive municipal waste in 1974, and acceptance of waste ceased in 1982. In 1978, after the public expressed concern about operation of this privately owned landfill, the State declined to renew the landfill's license citing numerous violations and failure to comply with previous orders. Numerous legal actions to close the landfill ensued, and the State Supreme Court ruled in favor of the State in 1982. At that time the landfill had stopped accepting solid waste, but the engineered cover was never constructed. As a result of several Volatile Organic Compounds being detected in the early 1980s in several on-site monitoring wells and one nearby residential well, the Davis GSR Landfill Site was added to the NPL in 1986.

From 1991 to 1993, after site access had been finally obtained, EPA conducted an extensive Remedial Investigation (RI) to determine the nature and extent of contamination and to assess potential risks to human health and the environment. Results of this investigation concluded that the landfill appeared to be the source of various chemicals, the spread of which was limited to the immediate vicinity of the landfill with no evidence of contamination downgradient. No distinct plume of groundwater contamination was found to be emanating from the landfill. None of the residential well tests conducted periodically since the early 1980s, including the latest post-ROD testing in February of 1999, confirmed the presence of elevated levels of contaminants.

Based on the results of the RI and risk assessment, EPA issued a record of Decision (ROD) for the Site on September 29, 1997. The ROD documented the decision that no further remedial action was necessary at Davis GSR Landfill site because the conditions at the Site pose no unacceptable risks to human health or the environment.

#### B. Characterization of Risk

Based on the levels of organics and metals that were detected in the groundwater, soil, surface water, sediment and air, and the unlikely future exposure to the groundwater in a limited area in the wetlands immediately adjacent to the landfill, EPA has determined that the potential for adverse ecological and human health risks from site groundwater or other media to be unlikely. Exposure pathways considered for the Davis GSR Landfill Site risk assessment, assuming no remedial actions were taken, included ingestion of groundwater, contact with Site soils, surface water, and sediment, and inhalation of landfill gas.

No current health risks are associated with exposure to groundwater at the Site since the contaminated groundwater is not used for drinking water. Elevated levels of benzene and manganese were detected at the Site in the wetlands between the landfill and the Nine Foot Brook. However, exposure to the groundwater as a drinking water source in this limited area is unlikely due to the steep topography and proximity to wetlands which would preclude development. Although the risk associated with arsenic is at the upper end of the acceptable risk range (i.e.,  $10^{-4}$ ), the contaminant is at levels below those established as safe in the Safe Drinking Water Act. The cancer

risk is largely attributable to one contaminant, arsenic, although benzene and beryllium also contribute but at lower levels. Manganese is the main contributor to the noncarcinogenic hazard index of 8.4, which may present a level of concern for a human health drinking water scenario, assuming that groundwater at this location is ingested as a sole source of drinking water. This is a very conservative estimate of future exposure, however, as this location is immediately adjacent to the landfill and is not likely to be used for future water supplies due to the existing topographical and wetland considerations.

No adverse health effects associated with the inhalation of landfill gas, and ingestion of, or contact with, the contaminants in surficial soils, surface water and sediments were found, assuming conservative exposure to children who may trespass and wade in the wetlands and have skin contact with contaminants. All current and future risks attributable to these exposures were below the lower end of the acceptable risk range (i.e.,  $10^{-6}$ ). Thus, even if the Site in the future is used for recreational or residential purposes, the resulting frequency of exposure would not pose unacceptable risk to human health.

EPA also evaluated the potential risk to the environment posed by contamination at the site. Contaminant concentrations in sediments found in the Davis GSR wetlands and surface waters were compared to Sediment Quality Criteria (SQC) as part of the ecological risk assessment. Given the abundance of surrounding water bodies and wetlands, it is unlikely that a reduction in viable wetland habitat, due to sediment contamination associated with the Davis GSR Landfill, would adversely impact any flora and fauna populations. The levels of contaminants found in the landfill surface soils also do not appear likely to pose significant ecological risk. Results of a conservative food chain modeling also indicated no adverse effects, and therefore, did not suggest the need for cleanup.

The Record of Decision (ROD) was signed by the Director of the Office of Site Remediation and Restoration on September 29, 1997. The No Action ROD recommendation includes: No further remedial action. Long-term monitoring will be conducted.

Based on the information currently available, EPA, with the concurrence of the State of Rhode Island, has determined that the release poses no significant threat to public health or the environment and, therefore, taking of

remedial measures at this time is not appropriate.

Dated: May 21, 1999.

**John P. DeVillars,**

*Regional Administrator, Region I.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-6360-5]

### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete Old Inland Pit NPL site from the National Priorities List update: request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA), Region 10, announces its intent to delete the Old Inland Pit NPL Site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Washington Department of Ecology (Ecology) have determined that the Site poses no significant threat to public health or the environment and, therefore, further remedial measures pursuant to CERCLA are not appropriate.

**DATES:** Comments concerning this Site may be submitted on or before July 19, 1999.

**ADDRESSES:** Comments may be mailed to: Beverly Gaines, Environmental Protection Agency, 1200 Sixth Avenue, Mail Stop, ECL-110, Seattle, Washington 98101.

Comprehensive information on this Site is available through Ecology which is available for viewing at the Old Inland Pit Site information repositories at the following locations:

Washington Department of Ecology,  
Eastern Regional Office, 4601 North  
Monroe Street, Suite 202, Spokane,  
WA 99205-1295.

Spokane Public Library, 12004 E. Main  
Avenue, Spokane, WA 99205-5193.

The deletion docket for the deletion of the Old Inland Pit Site is available

through EPA at the following locations: U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Superfund Records Center, Seattle, WA 98101.

#### FOR FURTHER INFORMATION CONTACT:

Beverly Gaines, U.S. EPA Region 10, 1200 Sixth Avenue, Mail Stop, ECL-110, Seattle, Washington 98101, (206) 553-1066.

#### SUPPLEMENTARY INFORMATION:

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### I. Introduction

The Environmental Protection Agency (EPA) Region 10 announces its intent to delete the Old Inland Pit Site ("Site") at 3500 N. Sullivan Road, Spokane, Washington, from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA identifies sites on the NPL that appear to present a significant risk to human health or the environment. The Old Inland Pit Site does not present a significant threat to human health or the environment. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for federal Fund-financed remedial actions or state action under the Model Toxics Control Act (MTCA) in the unlikely event that conditions at the site warrant such actions.

EPA plans to delete the Old Inland Pit Site ("Site") at 3500 N. Sullivan Road, Spokane, Washington, from the NPL. EPA will accept comments on the plan to delete this site for thirty days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Old Inland Pit Site and explains how the Site meets the deletion criteria.

### II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that "releases" (sites) may be deleted from, or reclassified on the NPL where no further response is appropriate. In making a determination to delete a site from the NPL, EPA shall